



Small (Phase II) MS4 General Permit Discussion Points

Regulatory Advisory Group Meeting #2

July 25, 2012

Establishment of Measurable Goals in the Permit where State Statute and Regulation Already Identifies the Requirements

- Proper Cross-Reference of State Law
- Reference Regulations-specific where necessary (e.g. 0.41 lbs P/ac/yr)
- Capture Changes in State Law during Permit Cycle
- Very Specific
- Delete MSC 4 and MSC 5
- Flexibility for Non-Traditional MS₄s
- Unnecessary and Redundant

Establishment of Measurable Goals in the Permit for Areas where State Statute and Regulations do not Identify the Requirements

- Consider Entire Universe of Permittees
- No, Maximum Flexibility for Adaptive Management
- Flexibility for Achieving Measurable Goals
 - Establish Minimum Level Goals
 - Reasonable and Attainable
- Positive for Standardization among Permittees
- Perhaps More Appropriate for Future Permit after MS4 Service Areas More Clearly Defined
- Perhaps DCR Provide Examples for Review
- Initial inspection timeframe: new reported discharge; elimination new identified ID (e.g., 48 hours; 30 days)

Numeric WQBELs in Lieu of Narrative BMP Approach

- WQBELs Designed for End of Pipe not MS4s
- WQBEL Monitoring Cost Prohibitive, Labor Intensive, Highly Variable, Worker Safety
- MEP is Compliance Standard in the Clean Water Act
- Narrative with MEP Compliance Standard for MS4s Preferred; WQBELs Unattainable
- Variability in Stormwater Monitoring Data make Numeric Limits “Operationally Impossible” for MS4s
- Numeric Standards Impractical: TMDL Calculations Themselves Use Model Basins and Study Averages for Stormwater/MS4
- WQBELs Necessary

Adequate Implementation of 6 MCM Protects Water Quality for Impaired Waters Prior to TMDL Approval

- Appropriate and Justifiable until the TMDL Sources are Identified and Contributions are Calculated
- Established by EPA as Effective to Protect Water Quality
- 6 MCMs Selected by EPA as an Effective Tool to Reduce Pollutant Discharges
- Already Protective In Current Permit
- Agree, Need Time to Plan for TMDL Implementation
- Concern if MS4s are a Major Contributor
- Disagree

Address TMDL WLAs for Listed Impaired Waters Upon TMDL Approval and Not Wait until Next Permit Cycle

- No, Permittee Should be able to Clearly Ascertain Permit Requirements When Issued
- VAMSA: State of Virginia Legal Conclusion this is Impermissible
- Consider Prioritization compared to Chesapeake Bay TMDL
- Allow Adequate Time for SWMP Revision and Plan Implementation
- Phase-In Period Would Be Needed
- Current Permit Language Protective
- Plan/Budget for Unforeseen is Unachievable
- 6 Months to Incorporate into Local Plans

Assign Credit for BMP Reductions that Cannot be Modeled

- Imperative; MS4s Required to Comply with 6 MCMs; Need to Credit Costs of this Compliance
- Agree, This is Needed
- Some BMPs in this Category have High Potential for Pollutant Reduction
- Agree but Likely to Not be Accepted
- Should be Credited with Adequate Documentation
- Agree, DCR Provide Guidance on Credits Available
- Absolutely Necessary; Else MCMs Need Re-Evaluation
- Yes, for BMP Clearinghouse Approved Efficiencies

Determine Adequate Progress to Meet TMDL WLA for Permit Cycle + Measuring Compliance Progress

- Suggest Develop Locality Specific Compliance Plan
- At This Time Too Cost Prohibitive; Monitoring to Measure Compliance Unrealistic for Stormwater Due to Variability of Sources and Precipitation
- Perhaps List a Series of Methods for Each Impairment Type and Percentages Can Be Implemented; Direct Measurement of Pollutant Reduction Impossible
- Consideration of Budget Cycle Could Make Impossible
- Phase I This Permit (Assessment); Phase II Next Permit (Implementation)
- Permit Should have Ches Bay Action Plan Specifics